



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MA 01545-5398

June 5, 2007

PUBLIC HEARING: Paul and Andrea Taylor, 34 Boylston Circle, Shrewsbury, MA.

PURPOSE: To hear the appeal of Paul and Andrea Taylor, 442 Main Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 34 Boylston Circle maintaining the existing nonconforming side yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 16 as Plot 70.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 21, 2007 and May 28, 2007.

Mr. Rosen: Please tell us what you're doing.

Mr. Taylor: What we would like to do is add a second floor.

Mr. Gordon: Excuse me, Mr. Taylor; could you identify yourselves for the record?

Mr. Taylor: Yes, Paul Taylor.

Ms. Taylor: Andrea Taylor.

Mr. Taylor: We'd like to add a second floor by increasing the roof and adding a couple of bedrooms upstairs with a bath. Our contractor, I think, has some copies of what we're looking for. We only have four.

(Mr. Taylor presented plans to the board members.)

Mr. Rosen: So, it's not the whole house. You're just kicking out a dormer, basically?

Mr. Taylor: We're taking the roof off and peaking it and putting a dormer for the bathroom and adding a couple of bedrooms up there.

Mr. Rosen: Okay.

Mr. Alarie: If you look at the plot plan that accompanied the appeal, you can see that there is a picture of the existing house on it and that the house has a relatively flat roof. The only issue is that, on the right-hand side of the property, you can see the 13 ft. setback there is the nonconforming side yard setback. It's basically changing a shallow pitched ranch-style house into a cape-style house. It's a half story more than a full story addition.

Mr. Rosen: Okay. Are there any questions?

Mr. Schaetzke: How are you planning to finish the outside? I know you have brick on the bottom, correct?

Mr. Taylor: That's right.

Mr. Schaetzke: You're not going to change the wall structure?

Mr. Taylor: No, we're not changing the wall structure. My understanding is that, where the peaks are on the end, he's just going to put vinyl siding.

Mr. Schaetzke: On the gables?

Mr. Taylor: Yes.

Mr. Schaetzke: Okay. So, basically, the exterior finish is going to be pretty much what it is except you'll have new shingles, a different pitch and a dormer?

Mr. Taylor: Yes.

Mr. Rosen: All set?

Mr. Collins: Will there be no new windows on the nonconforming side, that 13 ft.? On the second floor, there are no windows on that side, right? The second floor is limited to the dormer section only?

Mr. Taylor: My understanding was that there are windows on both ends.

Mr. Collins: Just on the first floor only?

Mr. Taylor: No.

Mr. Alarie: On the second floor on the gable ends, the plans show that there will be a double mulled window on the gable ends.

Mr. Collins: Oh, I'm sorry. There it is. Okay, I was just curious about it.

Mr. Alarie: Being bedrooms, they would have to have the emergency egress windows in those bedrooms as well as providing for natural light and ventilation.

Mr. Collins: I understand. I'm fine.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? Could you please state your name for the record?

Ms. Aikens: Yes, I'm Virginia Aikens. I live at 36A Boylston Circle. I just want to double check something about the nonconforming side yard setback. Did you say that it's 13 ft.?

Mr. Alarie: Yes.

Ms Aikens: Okay. I just wanted to double check on that. I remember when that went through.

Mr. Alarie: As represented on the plot plan, the nonconforming setback is on the southerly side of the house, the right-hand side as you face it from Boylston Circle. That is the area of the property which is the subject of this appeal. In the past, there was a variance granted to allow the construction of a detached garage 12 ft. away from the northerly side property line, but that's not material to this hearing.

Ms. Aikens: Okay. That's what I was wondering. Okay, that's 12 ft. Thank you.

Mr. Rosen: Does anyone else have any questions? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 5, 2007, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Paul and Andrea Taylor, 442 Main Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 34 Boylston Circle maintaining the existing nonconforming side yard setback of said property.

The appellants propose to convert the single story, ranch-style home situated upon the subject premises into a cape-style structure to accommodate two additional bedrooms and a bathroom within the new second floor level. The existing house sits about 13 ft. from the lot's southerly side lot line, which is a legal nonconforming setback. The proposed expansion, which would change the existing hip roof to a gable roof, would vertically extend this setback approximately 7 ft. in height.

Upon review of this appeal, the board concluded that the addition of what amounts to a half-story addition to the subject residence would neither materially change its nonconforming configuration nor create any condition which would adversely impact the welfare of area residents. They noted that the Boylston Circle neighborhood was established well before its Rural B zoning and that the predominance of properties therein are nonconforming in terms of one or more of the various applicable dimensional controls set forth in Table II of the Zoning Bylaw. They found that the proposed structure, when completed, would compliment the general character of many of the other homes within this neighborhood and would conform to the general intent of the bylaw in permitting the expansion and alteration of nonconforming residential buildings and

structures. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Schaetzke	Yes
Mr. Collins	Yes

PUBLIC HEARING: Mark McNamara, 25 Janet Circle, Shrewsbury, MA.

PURPOSE: To hear the appeal of Mark McNamara, 7321 Arbor Drive, Shrewsbury, MA, for a special permit as required by and a variance to the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 25 Janet Circle maintaining the existing nonconforming setbacks of said property and to allow the expansion of the two-family dwelling situated thereon in excess of 50% of its existing floor area. The subject premises is described on the Shrewsbury Assessor's Tax Plate 33 as Plot 270.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 21, 2007 and May 28, 2007.

Mr. McNamara: Good evening.

Mr. Rosen: State your name for the record please.

Mr. McNamara: Mark McNamara. I'll start with passing out a few of these so that we're all on the same page.

(Mr. McNamara presented materials to the board members.)

This is my first time before the board, so I'm definitely an amateur at this, with the permitting process. About fourteen months ago, I purchased the property at 25-25A Janet Circle in Shrewsbury. What I'm hoping to do is add an addition. Right now, the property is on a slab. It has the square footage of about 1,300 sq. ft. It is a two-family home and there are currently two one bedroom, one bathroom units.

We're hoping to more or less, just add to living square footage. It's a smaller home and we're more or less, staying within the footprint of the existing home and going up. On the booklet, you can see the existing home. Also, in there are the plans for the new home, the elevations and also the floor plans along with the plot map and an area map and some homes in the neighborhood that are also similar to what I would like to do, more or less.

I was just looking for homes in the neighborhood that were similar in size to what was going to take place.

It is a brick exterior right now. The brick will remain. Above the brick, it will be vinyl siding with new windows, new doors.

Mr. George: How many square feet are you adding to each unit?

Mr. McNamara: It's going to go straight up in the footprint so, more or less there are 1,300 sq. ft. now. I think what we're going to use is an LVL from front to back that is 26 ft. Right now, the home is 25 ft. wide so you will have that extra foot of over hang on the back side of the home. So I guess in answer to your question, probably another 1,352 sq. ft. because of that extra foot. So there will be 52 more square feet.

Mr. Rosen: Is it going to be brick exterior also?

Mr. McNamara: It's brick on the bottom, as it is now, and then vinyl on the new part.

Mr. Alarie: Could I just clarify one point? From the renderings that you have here, could you confirm the added foot would be at the back of the house as opposed to the front of the house? The elevations seem to show it extending over the front of the house.

Mr. McNamara: Yes, as in the elevation print; yes it is in the back of the home.

Mr. Alarie: Okay, because that existing front yard setback is nonconforming. There's plenty of room to the rear of the property to accommodate that.

Mr. Rosen: Are there any questions?

Mr. Schaetzke: I have a question. What portion of this constitutes the variance?

Mr. Alarie: This is in a single family district. There are several two-family homes on Janet Circle that predate the existing bylaw. So the two-family use, although it is residential in use, it is actually nonconforming. It's still residential, but it's a two-family use within a single family zone. The intent of our bylaw, I believe, more or less restricts the expansion of a business use within a residential zone where you could not increase that use to greater than fifty percent of the existing floor area.

Mr. Rosen: Okay.

Mr. Schaetzke: So, if there was only a fifty percent increase, this would be a special permit only?

Mr. Alarie: Correct.

Mr. Rosen: Or, if it were a single family house, it would be a special permit only?

Mr. Alarie: Correct.

Mr. Rosen: Okay.

Mr. Schaetzke: Then my question would be, what is the hardship to grant the variance?

Mr. McNamara: I'm sorry?

Mr. Schaetzke: In order to grant a variance, you need to give evidence of a hardship that would allow us to approve the variance.

Mr. McNamara: Sure. I guess that, in this situation, it would be the size of the existing house. The reason I believe, similar to the others in the neighborhood, it's on a slab is because there's a lot of ledge. There's no basement which would add to livable space or storage space or that type of thing. So, more or less, it has limited living square footage, if I answered that correctly?

Mr. Schaetzke: I would like to ask Ron another question. He could add to the back of this property without going up, also with a special permit, correct?

Mr. Alarie: Yes. An expansion of the two-family use would require a special permit in itself.

Mr. Schaetzke: Right. So, he could, in theory, add a foot to the back of the property via a special permit, which we might grant or probably would, not that he would only want to go one foot, and then come back for another special permit to put on a second floor only increasing the property by fifty percent? Is that correct, if it was done in two steps?

Mr. Alarie: No. It would still all relate to the existing square footage of the building, of the structure itself, as it existed when the zoning changed. So, technically, the floor area could not increase more than fifty percent of the existing floor area existing at that time.

Mr. Schaetzke: Right, but if he increased it in two steps?

Mr. Alarie: No, it would still relate to the building as it existed in 1967 when it became nonconforming.

Mr. Schaetzke: Okay.

Mr. Alarie: As he pointed out, you'll see that a lot of those homes on Janet Circle, because of a lot of ledge, are predominately all slab houses. That's one of the reasons why they're smaller and were built in that fashion.

Mr. Schaetzke: The slab is because of the soil conditions?

Mr. Alarie: The ledge, yes.

Mr. Rosen: And because of the topography.

Mr. Alarie: The statute also recognized, not only conditions affecting the land, but also the existing structures thereon.

Mr. Schaetzke: Okay.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 5, 2007, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Mark McNamara, 7321 Arbor Drive, Shrewsbury, MA, for a special permit as required by and a variance to the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 25 Janet Circle maintaining the existing nonconforming setbacks of said property and to allow the expansion of the two-family dwelling situated thereon in excess of 50% of its existing floor area.

The two-family dwelling situated upon the subject property was constructed prior to the adoption of the 1967 Zoning Bylaw and Map which changed the Janet Circle neighborhood to an area in which single and two-family homes were previously permitted by-right into a district that now permits only single family residences. Therefore, its current zoning status is legal nonconforming and the appellant proposes to enlarge each of the dwelling units therein, which are relatively small, by adding a second story above the entire existing structure. Mr. McNamara requests the issuance of a special permit to allow said expansion, to allow the second story to maintain the existing front and side yard setbacks of the premises and a variance to, more or less, double the habitable area of the existing duplex.

Upon review of this appeal, the board noted that there are several two-family dwellings of various designs situated within the Janet Circle neighborhood that were, as stated above, permissible in accordance with zoning in effect at the time of their construction. It was the board's opinion that the addition of a second story to the subject structure would not materially alter either its nonconforming configuration or use or conflict with the general character of this neighborhood. They also noted each of the existing units have very limited habitable area with the existing structure having an overall footprint of about 1,300 sq. ft. and that they do not, due to ledge, have a basement. Mr. McNamara's property, however, is the largest lot in the neighborhood containing over one acre of land and the board found that, due to these conditions, the expansion of the structure in excess of 50 % of its existing floor area, approximately 350 sq. ft. per unit, would not materially depart from the intent of the Zoning Bylaw or create any condition which would adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Schaetzke	Yes

Mr. Collins

Yes

PUBLIC HEARING: Howard Garshman, 677 South Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Howard Garshman, 42 Treetop Park, Westboro, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Rural B District, to allow the construction of an addition 10 ft. from the side lot line of property located at 677 South Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 44 as Plot 11-22.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 21, 2007 and May 28, 2007.

Mr. Garshman: Good evening.

Mr. Rosen: Have a seat. Please state your name for the record.

Mr. Garshman: Howard Garshman.

Mr. Rosen: Please tell us what you propose to do.

Mr. Garshman: This is actually a second request. This was already granted a little over a year ago. We didn't pull the building permit within a year's time, so we had to come back and we're requesting it again. The hardship is ledge.

Mr. Gordon: Only three of us were on the board at that time.

Mr. Rosen: Yes. We just want to review that.

Mr. Gordon: Mr. Garshman, the last time you were here, the neighbor on the side that you're building the room on had some concerns and were those resolved?.

Mr. Garshman: There weren't any concerns from my neighbor. One wanted to introduce himself. The other one wanted to give me a hug and a kiss.

Mr. Gordon: All right.

Mr. Garshman: No, we didn't know that the neighbors had any concerns back then.

Mr. Gordon: I thought that there was one that just wanted to know what was going on.

Mr. Garshman: Oh, yes, that was the one that wanted to give me the hug and the kiss. You have a good memory.

Mr. Rosen: It's the exact same plan as the one before?

Mr. Garshman: Yes. Nothing's changed.

Mr. Rosen: No changes?

Mr. Garshman: No.

Mr. Gordon: You have a contractor this time?

Mr. Garshman: Actually, it's the same one as the last time. This time we'll apply for the permit, probably tomorrow morning.

Mr. Rosen: You may have to wait for the appeal period.

Mr. Garshman: Yes.

Mr. Rosen: Are there any questions?

Mr. Gordon: I have no problems. The last time I had no problems.

Mr. Schaetzke: What's the nature of the ledge that prohibits going to the back?

Mr. Garshman: Huge, deep and heads back up towards Brook Street, which is almost all ledge.

Mr. Schaetzke: Has it been specifically identified? Is it above ground?

Mr. Garshman: Oh, yes. It's substantially below ground. That whole portion is just one solid area of ledge. Is that still considered the back side of Boston Hill, that's far over, probably not?

Mr. Rosen: It's too far.

Mr. Garshman: It's all ledge up in back there, about 15/20 ft., that's all ledge all the way up.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition?

Mr. Taricco: I'll just speak because I was the gentleman who was here last time.

Mr. Rosen: Could you state your name for the record please.

Mr. Taricco: Mark Taricco and I live on the opposite side of where he's going to add there. Just for the record's sake, I had attended last year. If it's the same thing as before and there were no changes, I didn't have any issues at that time. That's why I'm here today to make sure there wasn't any change or anything.

Mr. Rosen: Okay, thank you for coming.

Mr. Rhodes: My name is Robin Rhodes. I'm a neighbor at 675 South Street, directly abutting, I believe, on the side where the addition is. The 10 ft. variance is on the side that faces the common driveway, is that correct?

Mr. Garshman: Yes.

Mr. Rhodes: So, that's the side that faces my property. I have several concerns. One is this 10 ft. I presume means that we're going to expand the house out 10 ft.? I guess I go through you for this?

Mr. Rosen: Yes. It's 10 ft. off of the property line.

Mr. Rhodes: Ten feet off the property line? So, it's more than a 10 ft. expansion of the house?

Mr. George: The addition is 20 ft. wide.

Mr. Rhodes: It's 20 ft.? Then there will be clearing of trees, presumably?

Mr. Garshman: I would have to measure, but there shouldn't be.

Mr. Schaetzke: It looked like you're going to have to take down a few.

Mr. Rhodes: If you don't take down trees, your going to essentially have trees right next to the house, especially if you're going out 20 ft.

Mr. Garshman: I'm going to have to measure it, but I haven't really looked at taking any trees down.

Mr. Rhodes: In addition to that, I don't know why there would be ledge behind the house, but not on the side of the house. Is there a survey that supports that?

Mr. Garshman: I personally dug there.

Mr. Rhodes: Personally dug there? Just for clarification, my understanding is the street behind there is actually Walnut Street, not Brook Street.

Mr. Garshman: No. The street that goes straight out back behind my house goes back up to Brook Street.

Mr. Rhodes: Lastly, I don't know if it's an acceptable question or not, but in general, what is the purpose of the expansion? Is it to add a bedroom? Is it to add living area?

Mr. Garshman: Yes, all of the above.

Mr. Rhodes: Okay. As is evident in the applicant's application, you don't live here at the property. The applicant does not live at the property. I believe that to be correct because your address is Tree Top Lane and the subject property is 677 South Street. The property acts as, through my observation as well as my formal conversations with the people that reside there, a rental property. It's a rental property primarily made up of medical

students or veterinary students from Tufts University. So, it's a revolving door of people that live there. They're not bad neighbors and I'm not suggesting that, but there are a number of cars that park in the front of the house along South Street where the grass has been covered with gravel. It's not unusual to see a half a dozen cars parked in the front of the street as well as other cars that may park in the driveway. Being students, they typically gather to celebrate events that relate to the school year so they've been known to host a party or two. When they do that, they regularly trespass on my property by parking along the private drive.

Mr. Rosen: That wouldn't be an issue for us.

Mr. Rhodes: Along South Street then?

Mr. Rosen: That wouldn't be an issue for this board.

Mr. Rhodes: That is the nature of the concern that I have with regards to the expansion. That's why I asked the question. If the nature of the board's concern is the hardship, I guess the question that I would have is that I would prefer not to see trees come down. I would prefer not to see additional expansion over to that common drive. I would prefer to see you go out back.

Mr. Garshman: Where do you live again, Mr. Richmond?

Mr. Rhodes: Rhodes.

Mr. Garshman: Mr. Rhodes, I'm sorry.

Mr. Rhodes: At 675.

Mr. Garshman: Which one is 675?

Mr. Rhodes: There's a common drive that goes up the street.

Mr. Garshman: Do you live up at the top of the common drive?

Mr. Rhodes: That's correct.

Mr. Garshman: What's your problem again? You don't even see my property.

Mr. Rosen: Again, hold it. Step back a second. The issue you have right now with the parties and the parking is not a zoning issue. That's not what we're here about.

Mr. Rhodes: I understand that.

Mr. Rosen: If it's a rental property, it's an allowed use as rental property as a single family home whether we grant the variance or not. That doesn't affect anything.

Mr. Garshman: I can go in tomorrow and cut down all the trees on my property.

Mr. Gordon: Well, Mr. Garshman, do you think it's a wise thing for you to say that to us tonight?

Mr. Garshman: Well, yes, because this gentleman doesn't even see my property from where he lives.

Ms. Rhodes: We go up and down the street all the time.

Mr. Garshman: I'm sorry?

Ms. Rhodes: We see your house all the time.

Mr. Garshman: How do you see my house from your property?

Mr. Rosen: Excuse me; excuse me.

Mr. Garshman: You live at the top...

Mr. Rosen: Excuse me, Mr. Garshman.

Mr. Garshman: What?

Mr. Rosen: All of your comments and questions will be directed to the board. Are there any other concerns that you want to address sir?

Mr. Rhodes: Not at this time.

Mr. Rosen: Okay.

Mr. Garshman: Well, excuse me, I have a problem here. The gentleman is coming here representing that he sees my property from where he lives. He doesn't.

Mr. Rosen: That's okay. That doesn't affect what our decision will be.

Mr. Garshman: I have a hardship. I want to put an addition on it and I have a ledge problem. As far as who lives in the house, who cuts down trees on my property, who sees my property, I take offence to that. The man cannot see my property.

Mr. Rosen: To me, that doesn't matter. That's not an issue. Is there anyone else who wants to be heard on this matter?

Mr. Gordon: Is your plan to continue to rent this now that it's going to be bigger or are you going to live there?

Mr. Garshman: I'm going to move back in there, probably within the next two to three years. My tenants have another two years on their lease.

Mr. Gordon: How many tenants do you have?

Mr. Garshman: There are three people living there. There might be four, I don't count them. I get three checks. It's a four bedroom house. I've never had one complaint from any neighbor in that neighborhood about those kids.

Mr. Rosen: Have there been any complaints to the police or anything?

Mr. Alarie: That, I can not answer.

Mr. Rosen: It's a no?

Mr. Alarie: I haven't received any, but I can't speak to the police receiving any.

Mr. Rosen: Okay.

Mr. Garshman: I've never heard anything in over ten years.

Mr. Rosen: Good enough.

Mr. Schaetzke: What is the nature of the addition?

Mr. Garshman: It's laid out for a bedroom upstairs, an extension of the dining room downstairs and a study.

Mr. Schaetzke: So, it would be one bedroom, a study and a dining room extension?

Mr. Garshman: Yes.

Mr. Schaetzke: Okay. I believe the last time this was approved it was not for bedrooms, as was indicated in the record?

Mr. Garshman: It's always been a bedroom upstairs, an additional bedroom upstairs, and an extension of the dining room downstairs and a study downstairs.

Mr. Schaetzke: I'm indicating that the record indicates there were not any bedrooms going to be added the last time this was approved.

Mr. Garshman: I can tell you that I came in here with plans. It's always been an additional bedroom above, one bedroom above. Ah! It's actually an extension of the fourth bedroom upstairs. It's not a fifth bedroom.

Mr. Schaetzke: Okay.

Mr. Garshman: Okay. I look at it as there are four bedrooms upstairs and we're taking the corner bedroom and making it larger. It's actually adding a master suite to the house.

Mr. Rosen: Anything else? Before I close it down, is there anything else? Okay, there being no further questions, we'll take it under advisement and notify you of the board's decision.

Decision

On June 5, 2007, the Shrewsbury Zoning Board of Appeals voted four in favor of and one opposed to the granting of the appeal of Howard Garshman, 42 Treetop Park, Westboro, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Rural B District, to allow the construction of an addition 10 ft. from the side lot line of property located at 677 South Street.

On May 31, 2005, the appellant was issued the same relief from the literal application of the minimum terms of the Zoning Bylaw to permit the construction of an addition to the westerly side of the single family dwelling situated upon the subject premises. However, the rights authorized by that granting were not exercised within the statutory time period set forth in MGL 40A. The majority of this board concurs with the decision made in 2005 that there are several conditions affecting this site relating to its soil conditions, its topography and its location abutting a common driveway that warranted the issuance of such relief and voted to incorporate that decision herein by reference. It was their opinion that the passage of time has not changed the basis for their previous action or lessened the hardship imposed by the bylaw to the appellant in his attempt to expand his property. They again found that, in this instance, the reduction of the side yard setback to 10 ft. would not materially depart from the intent of the bylaw or create any condition which would adversely impact the welfare of the general public. They, therefore, voted to grant the appeal as presented to the board subject to the requirement that, subsequent to the installation of the foundation for the proposed addition, a plot plan prepared by a registered land surveyor shall be submitted to the board certifying the location of the foundation.

One member of the board, upon review of the appellant's presentation and the "Minutes" of the 2005 hearing, found that the existence of ledge upon the subject property did not prevent the expansion of the dwelling situated thereon in conformance with the minimum requirements of the bylaw. He also found the reduction of the minimum side yard setback from 30 ft. to 10 ft. to be a significant derogation from the intent of the bylaw and, therefore, voted to deny the appeal.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Schaetzke	No
Mr. Collins	Yes

PUBLIC HEARING: Peter Oikle, 212 South Quinsigamond Avenue, Shrewsbury, MA.

PURPOSE: To hear the appeal of Peter Oikle, 212 South Quinsigamond Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Sub-section B, to allow the construction of a second story addition upon property located at 212 South Quinsigamond Ave. maintaining the existing nonconforming setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 45 as Plot 69.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 21, 2007 and May 28, 2007.

Mr. Rosen: Is Mr. Oikle here? No?

Mr. George: Maybe we should hold it.

Mr. Rosen: We'll hold it.

Mr. Gordon: Ron, did we get a call from the people who didn't show up?

Mr. Alarie: No; I didn't. I would just suggest that you keep it open. We'll have another meeting on the 26th that I'm setting up. If I can contact him we'll keep it open and then if they don't show up at that one...

Mr. Rosen: So, we just need to vote to continue it?

Mr. Alarie: Yes; I would suggest that.

Mr. Rosen: Okay. At what point do we need to...

Mr. Alarie: A hundred days from the date of filing of the appeal. Wait a minute; let me correct that. That is for a special permit as well. It would be ninety days from the date of the hearing.

Mr. Rosen: Ninety days from today.

Mr. Alarie: Today or at the continued hearing, the close of the hearing.

Mr. Rosen: Okay.

Mr. Alarie: There's lots of time running on that.

Mr. Rosen: Okay.

Mr. Gordon: I move that we continue 212 South Quinsigamond Avenue to the next meeting.

Mr. Rosen: Second. All in favor?

Mr. Gordon: Aye.

Mr. Schaetzke: Aye.

Mr. George: Aye.

Mr. Collins: Aye

Mr. Rosen: Aye.

Decision

On June 5, 2007, the Shrewsbury Zoning Board of Appeals unanimously voted to continue the appeal of Peter Oikle, 212 South Quinsigamond Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Sub-section B, to allow the construction of a second story addition upon property located at 212 South Quinsigamond Ave. maintaining the existing nonconforming setbacks of said property.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Schaetzke	Yes
Mr. Collins	Yes

PUBLIC HEARING: Robert W. Bourassa, Jr., 25 Flagg Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Robert W. Bourassa, Jr., 182 Main Street, Boylston, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front and Side Yard Requirements, Residence B-2 District, to allow the construction of a detached garage 10 ft. from the sideline of Flagg Road and 3 ft. from the side lot line of property located at 25 Flagg Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 58 as Plots 21 and 22.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. Rosen: Is Mr. Bourassa Here?

Mr. Smith: He's not here. He asked me to come in his place.

Mr. Rosen: And you are?

Mr. Smith: Bob Smith. I did the plan for Marion Kaletski.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 21, 2007 and May 28, 2007.

Mr. Rosen: Again, state your name for the record.

Mr. Smith: My name is Robert Smith. I'm a registered land surveyor. I've been asked to come in Mr. Bourassa's place tonight to present this to the board.

Mr. Rosen: Okay.

Mr. Smith: We're proposing constructing a two-car garage on the property. Due to the unique shape and topography of this particular lot, this would be the best place to put her garage on the lot. As you can see from the plan that we supplied, the elevation at the top of her lot and along Flagg Road is approximately at 280 ft. If we were to put the garage back the 30 ft., you can see the topography falls off quite dramatically there behind that area.

Mr. Gordon: You'll see the roof like the other one?

Mr. Smith: That's basically it and it wouldn't be feasible in terms of her driving into or using the garage for the purposes of storing a car. She wants to maintain the current garage for purposes of storage so that she can do yard work and stuff. As you can tell if you've been to the site, the current garage is really not accessible by car.

Mr. Gordon: I was going to ask, how do you get down there?

Mr. Smith: You can't. She uses it, at this point, for just purposes for yard work and storage of lawnmowers and such. That's what she will continue to use that building for. In terms of the side yard, her lot is cut off. She has two lots which are bisected by this right-of-way. She doesn't own that strip of land between her house and the existing garage, which is 25 ft. wide. Her driveway currently exists on that right-of-way. She would continue to maintain the driveway there and use that to access the garage to her house. So, because of the right-of-way going through the middle of the property, it creates the 3 ft. side yard requirement that we're looking for, a reduction down to 3 ft. from the easterly side lot line from the proposed garage on this lot. As you can see, her existing house is no more than 1 ft., currently, from that existing right-of-way. That's pre-existing and we're not doing anything to that house so there's no reason to be before the board for that. Her garage would be, actually, further away than her current house is from that right-of-way.

Mr. Gordon: I've got two questions.

Mr. Smith: Sure.

Mr. Gordon: Did you say that the entrance to the garage is going to be from the driveway or from Flagg Road?

Mr. Smith: From the driveway. She wouldn't request another curb cut.

Mr. Gordon: She would come in through the right-of-way?

Mr. Smith: She would come in through the right-of-way, which is perfectly legal for her to do.

Mr. Gordon: Oh, I understand that. Who has rights on the right-of-way?

Mr. Smith: Everybody. I mean anybody in that subdivision would have rights and currently have. She's not blocking it. Actually, she's sort of parking on it now. This would remove that from that right-of-way also.

Mr. Gordon: About how many houses have the right to pass and re-pass?

Mr. Smith: It's an open right-of-way; I would assume anybody in the Town of Shrewsbury would have a right to pass and re-pass.

Mr. Gordon: So, there's no problem with that? Nobody has raised a problem with the right-of-way?

Mr. Smith: Not that I'm aware of. I'm just the surveyor. I haven't been informed or she hasn't mentioned anything to the effect that anybody has questioned.

Mr. Gordon: Ron, have we gotten any letters?

Mr. Alarie: No, we have not. That would really be a private issue. I don't believe that this right-of-way would be open to the general public, just to certain residents of this neighborhood who would have defined rights in their deeds.

Mr. Rosen: So, there are no curb cuts on Flagg Road to the entire property?

Mr. Smith: Well, there's a curb cut to where the driveway is.

Mr. Rosen: I mean, other than over the right-of-way?

Mr. Smith: Right. She's wants to maintain the current driveway and use that. What she wants to do is to be able to pull into the driveway, pull out of the garage and out into the existing driveway. If you've been to the site, which I assume from some of the conversation here that you have, she parks the car here and walks into her house through that way. That's the way that she wants to continue to maintain that access in and out of her house.

Mr. Rosen: Anyone else?

Mr. Gordon: You pull into the driveway and you take, basically, a right turn into the garage. You put your car perpendicular to the house and into the garage. Are you going to be blocking the right-of-way to the point that people can't use it? It's only 10 ft. in from the garage and a car is 8 ft.

Mr. Smith: No. The right-of-way is 25 ft. wide.

Mr. Gordon: Okay. It's only tarred for 10 ft. then, right?

Mr. Smith: Yes. I believe it's tarred right now for about 10 ft.

Mr. Collins: Just picking up on what Mel said, if the garage is not allowed to be put in, she's currently parking in the right-of-way anyways.

Mr. Smith: Correct.

Mr. Collins: So, in effect, she's blocking the right-of-way now by parking in it. By putting the in garage, she's now allowed to park in the garage and, thus, she will not be blocking the right-of-way.

Mr. Smith: Correct.

Mr. Gordon: Hopefully.

Mr. Collins: Hopefully, right.

Mr. Schaetzke: The setback from the front yard is?

Mr. Smith: It would be 10 ft.

Mr. Schaetzke: It's 10 ft.

Mr. Smith: We're requesting relief of 20 ft. If we pull the garage back to the 30 ft. required, we'd be down to the bottom of the hill, thus making the garage ineffective. She wouldn't be able to use any garage she built because of the slope coming off of the street to the back of the lot. The lot drops over 10 ft. from front to back.

Mr. Schaetzke: I have a question. If you put it further back, farther off of the road, and it looks to me that if you were about 20 ft. back, you'd be about the same setback as the house. Is that correct, in other words, could you move it back another ten more feet?

Mr. Smith: The house is currently about 21 ft. back from the existing road.

Mr. Schaetzke: Right. Where I'm going, is there a way to move the garage back to be in line with the house?

Mr. Smith: My understanding with the builder that I'm representing is that he's concerned that, if he moves it back that distance, he's going to start getting structurally involved with the current garage that's on the property because of having to dig so deep.

Mr. Schaetzke: Yes. Well, he'd be above it, right? He's going to have to put a foundation next to it.

Mr. Smith: Well, he has to put a foundation into it. As you can see, if we went 20 ft. here, the slope drops substantially and he would have to put in a very high foundation.

Mr. Schaetzke: You'd be into the slope?

Mr. Smith: We'd be into the slope on that side, correct.

Mr. Schaetzke: But, it wouldn't make it impossible to build, would it?

Mr. Smith: It would make it substantially more difficult because you'd have to raise the foundation substantially on that side to even it out with the grade at the driveway.

Mr. Schaetzke: Right.

Mr. Smith: You'd have a foundation sticking out of the ground, substantially above the grade down where the existing garage is.

Mr. Rosen: The only question I have is why wouldn't you want a curb cut coming right off of Flagg Road to allow you to pull straight into the garage?

Mr. Smith: This is the way that it was designed. I'm not involved with the building. I know her driveway's already there and she wants to use that current driveway as it exists.

Mr. Alarie: Excuse me, but Mrs. Kaletski is here now if you'd like to ask her directly.

Mr. Smith: Oh, there she is.

Ms. Kaletski: What was the question?

Mr. Rosen: Please come forward and state your name for the record please.

Ms. Kaletski: I didn't expect to speak.

Mr. Rosen: Just state your name for the record.

Ms. Kaletski: I'm sorry, Marion Kaletski. I'm at 19 Flagg Road. You keep referring to the garage. Really, that structure is not a garage. I have no clue what it is. It's just stone on two sides and a roof. I do use it for storage, but it was never a garage. My understanding is that at one time there was actually a diner on that structure. That burned down. So, that isn't really a garage.

The reason for asking to get closer to the road was, again, because it would be difficult to build a foundation for that garage if we moved further back. I did ask my neighbors. My neighbors also have homes that are closer to the road so it's not anything different from what we have. They seem to have no difficulty with it.

Mr. Rosen: You don't want to pull into the garage directly from Flagg Road?

Ms. Kaletski: I know that you kept saying that. No, for some reason I would like to do it that way. Is that okay? I just reached a point in my life, I think, where it's very difficult to dig my car out. I really need to, you know, get it into a place where I don't have to dig it out.

Mr. Rosen: Okay.

Mr. George: Wouldn't it be easier though to have the door in the front right near the street to go out in the wintertime?

Mr. Collins: It's just a single level garage, no upstairs?

Ms. Kaletski: No. It's one and a half. It's not just a one-car garage. It will be one and one half with the other half that I would like to use for storage. The other reason that I didn't want to push it back is that I now have a small storage shed on my property. If it was moved back, I would have to remove that as well.

Mr. Rosen: Okay.

Ms. Kaletski: So, it just seemed easier for me.

Mr. Rosen: Is there anyone else? Is there anyone in attendance who would like to comment on this petition? Please state your name for the record.

Mr. Miller: Allen Miller. I live at 19 George Street. I'm one of the abutters. In defense of Marion, whatever she does on that property is always the best. Whatever she does, it's done first class. Her house always looks nice. She never bothers people that want to use her driveway to walk down to the water. She uses the other side of her property. She's always been a good neighbor. I just really think that, because of the weather here in New England, it would be a nice addition for her.

Mr. Rosen: Thanks for coming.

Ms. Kaletski: Well, Al, thank you. I really didn't bring him here. I had no clue that he was coming.

Mr. Miller: She really does a nice job.

Mr. Rosen: Does anyone else wish to be heard on this? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 5, 2007, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Robert W. Bourassa, Jr., 182 Main Street, Boylston, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front and Side Yard Requirements, Residence B-2 District, to allow the construction of a detached garage 10 ft. from the sideline of Flagg Road and 3 ft. from the side lot line of property located at 25 Flagg Road.

The subject property is owned by Ms. Marion Kaletski, who resides at 19 Flagg Road. The two parcels that she owns are separated by a private right-of-way which leads from Flagg Road down to the northerly shoreline of Flint Pond. Her existing driveway occupies part of the right-of-way and there is an old garage/storage building situated upon this parcel, although it is not accessible by vehicle from the road or the driveway due to the severe drop in the lot's topography. Ms. Kaletski proposes to construct an

oversized two-car garage upon this site that would be positioned close to both the sideline of Flagg Road and the right-of-way upon the only relatively flat area of the lot that allows for vehicular access.

Upon review of this appeal, the board found that, due to the unique arrangement of the two lots and the aforementioned right-of-way and the severe topography of the subject parcel, the imposition of the applicable setback requirements to this property would present an undue hardship to its owner in her attempt to construct a detached garage thereon. They noted that the majority of the properties situated within this neighborhood were developed well before the adoption of its current zoning and are nonconforming with respect to many of the minimum dimensional requirements set forth in Table II of the Zoning Bylaw. It was their opinion that, under such circumstances, the reduction of the front and side yard setbacks to permit the construction of the proposed garage would not significantly depart from the intent of the bylaw or create any condition that would negatively affect the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Schaetzke	Yes
Mr. Collins	Yes

PUBLIC HEARING: John and Rosemary Tibert, 3 Smith Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of John and Rosemary Tibert, 3 Smith Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and for a variance to Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of an addition upon property located at 3 Smith Road maintaining the existing nonconforming front yard setback of said property and within 26 ft. of the rear lot line of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 51 as Plot 87.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 21, 2007 and May 28, 2007.

Mr. Tibert: I'm John Tibert, 3 Smith Road. The proposed addition is going to be a 16 ft. by 30 ft. It's going to be a bedroom, bathroom and a basement floor. The hardship would be the nonconforming lot causing the addition not to meet the setback requirements for the front and also the back.

Mr. Rosen: What's the addition going to look like?

Mr. Tibert: The addition is going to be the same height as the house now. It's going to be perpendicular to the existing footprint. Facing it, you will be looking at a gable and a window. You can see it to the lower right there.

Mr. Lund: My name is Chris Lund with the Heritage Companies, the GC for the project. This is the proposed addition with the front elevation seeing it from the street shown here. This room already exists as well as this is a depiction of the existing ranch and the gable addition that is attached as well as the farmer's porch roof off the front of the existing ell with a farmer's porch underneath.

Mr. Rosen: What's the square footage of the addition?

Mr. Lund: It's 480 sq. ft. for the bedroom/bathroom. It's 30 ft. by 16 ft. and then part of the plan is to finish of the lower basement area as well.

Mr. Tibert: The intent of this addition is to house my mother-in-law with the exception that there will not be a kitchen.

Mr. Rosen: Okay. Does anybody have any questions?

Mr. Gordon: I have no problems.

Mr. Schaetzke: You're seeking relief on the front yard and the rear yard, not the side yard, correct?

Mr. Tibert: I believe the side yard setback is 10 ft. Is that right?

Mr. Schaetzke: Okay. Had you considered a design that would give you seven more feet to the side?

Mr. Tibert: No. The drawings are for a 16 ft. by 30 ft. addition. So, it will be 16 ft. off of the existing study, which is that little section off of the large footprint.

Mr. Lund: I think, to a point, if we tried to conform to the forty and the thirty, it would look so bad that, even if we came over 7 ft., it would then make it an awkward addition. That was one issue. The second issue is the lot itself drops down towards the side and back.

Mr. Schaetzke: Yes, it curves down. I saw that.

Mr. Lund: Yes. We already have a retaining wall and a driveway on the side where this addition is being proposed to go.

Mr. Schaetzke: Right. You're going to lose driveway?

Mr. Lund: Right. So, we're hoping to keep use of the existing grades right where they are and keep the addition on the part of the land that's level with the street grade.

Mr. Schaetzke: If you went further to the left, you'd be into that no-man's land there.

Mr. Lund: Right.

Mr. Lund: We'd lose a tree and we'd also go too far down the hill.

Mr. Schaetzke: Yes.

Mr. Lund: We'd have this huge structure to try to hold the hill back.

Mr. Schaetzke: That's what I was looking for.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 5, 2007, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of John and Rosemary Tibert, 3 Smith Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and for a variance to Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of an addition upon property located at 3 Smith Road maintaining the existing nonconforming front yard setback of said property and within 26 ft. of the rear lot line of said property.

Upon review of this appeal, the board noted that the subject premises was developed well before the adoption of zoning in Shrewsbury and is nonconforming with respect to its area and front and rear yard setbacks. The appellants propose to construct an addition to the easterly side of their home that would maintain the property's existing front yard setback and would decrease the existing rear yard setback by approximately 6 ft. The board found that, due to the shape of this property, its nonconforming features and its topography, the literal application of the minimum dimensional requirements of Table II of the Zoning Bylaw to this property would present an undue hardship to the Tiberts in their attempt to expand their home. They also found that the construction of the proposed addition would not materially alter the nonconforming features of this property and that, when completed, the new structure would compliment the general character of many of the other homes situated within this section of the Edgemere neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Schaetzke	Yes
Mr. Collins	Yes

PURPOSE: To hear the appeal of Gerald R. Pescaro, 16 Roberts Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of an addition 33 ft. from the rear lot line of property located at 16 Roberts Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 38 as Plot 104.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 21, 2007 and May 28, 2007.

Mr. Rosen: Please state your name for the record.

Mr. Pescaro: Gerald Pescaro, 16 Roberts Street. This is my wife, Kimberly. What we're asking for is the variance for the amount of footage from the back of the house to the rear line to build an addition of 24 ft. by 22 ft.

Mr. Schaetzke: That's where the deck is now, correct?

Mr. Pescaro: Yes. By doing that, it brings us down to 33 ft. to the rear. The deck is actually 20 ft., so it's 4 ft. past where it ends now.

Mr. Rosen: Do you have any plans?

Mr. Pescaro: I do.

(Mr. Pescaro presented the plans to the board members and discussed the addition.)

Mr. Gordon: I'm fine.

Mr. Rosen: Are there any questions? Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 5, 2007, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Gerald R. Pescaro, 16 Roberts Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of an addition 33 ft. from the rear lot line of property located at 16 Roberts Street.

In considering the appellant's request for the aforementioned variance, the board noted that there are two predominate conditions affecting the subject premises that are very unique to the zoning district. The property is of "L" shaped configuration with two principal buildings situated thereon. The first is the single family dwelling to which Mr.

Pescaro proposes to expand. The second is a large nonconforming warehouse/storage building located to the rear corner of the "L" almost immediately adjacent to the rear lot line and sitting directly behind house numbered 14 Roberts Street. The board found this arrangement to create a significant hardship to Mr. Pescaro in his attempt to expand his home and that the reduction of the rear yard setback by 7 ft. to accommodate the proposed addition would neither seriously depart from the intent of the Zoning Bylaw nor create any condition that would adversely affect the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Schaetzke	Yes
Mr. Collins	Yes

PUBLIC HEARING: Chris Smith, 108 Lakeside Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Chris Smith, 54 Eastern Ave., Leominster, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the replacement and the reconstruction of part of the existing dwelling situated upon property located at 108 Lakeside Drive and the construction of a second story addition thereon maintaining the existing nonconforming setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 51 as Plots 174 and 175.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 21, 2007 and May 28, 2007.

Mr. Rosen: State your name for the record please.

Ms. Weyler: My name is Jenny Weyler. Chris Smith is the contractor, actually.

Mr. Rosen: Okay.

Ms. Weyler: This is my partner, Jim Blais. We both live there. I don't have my drawings with me. I was under the impression that he had already left them here so I don't have them with me today, but I can describe to you what it is that we're doing.

We have an existing garage. We are planning to put a bedroom over the garage. We're using the same footprint. I'm not sure why we need a variance. He didn't really explain that to me. I don't know if it's because it's so close to the other property line?

Mr. Gordon: You don't need a variance, what you need is a special permit.

Ms. Weyler: Oh, okay. So, that's one plan. So, it's just to raise the existing garage, which has a stone foundation under it, then put a real foundation under it to put a new garage and then put a bedroom over that.

The other part of the construction is that we have a second floor bedroom that is about 8 ft. in from the first floor at the rear of the house. We plan to expand that bedroom by pushing it out towards the back yard that 8 ft. and making it a little bit bigger because it's very small.

Mr. Schaetzke: So, it's not a whole new second floor then? It's just coming out the 8 ft.?

Ms. Weyler: Right. It's just expanding one existing bedroom.

Mr. Schaetzke: And then adding the bedroom over a one-car garage?

Ms. Weyler: It's a one-car garage. The new room won't even come all the way over the garage. It's set back from the garage face by, I think, about 6 or 8 ft. also.

Mr. Schaetzke: It's an interesting looking house.

Ms. Weyler: Yes. The plans are quite beautiful, actually. The architect did a very nice job. Do you want me to bring the plans in and make lots of extra copies?

Mr. Rosen: That's okay.

Mr. Gordon: I think that Ron is the guy that needs them.

Ms. Weyler: Okay. So, who do I drop them off with?

Mr. Alarie: I think that your contractor will do that when he files for the building permit.

Ms. Weyler: Okay.

Mr. Alarie: You said that you had a registered architect do the plans?

Ms. Weyler: Yes.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 5, 2007, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Chris Smith, 54 Eastern Ave., Leominster, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the replacement and the reconstruction of part of the existing dwelling situated upon

property located at 108 Lakeside Drive and the construction of a second story addition thereon maintaining the existing nonconforming setbacks of said property.

The single family dwelling situated upon the subject premises was constructed well before the adoption of its current zoning with the configuration of the property and the siting of the existing structure thereon nonconforming with respect to its frontage, area and front and southerly side yard setbacks. There is currently a single car garage attached to the front right corner of the building that sits approximately 11 ft. and 3 ft. from the parcel's front and side lot lines, respectively. The appellant proposes to remove this older, single story portion of the structure and to replace it with a new modified one and one-half story addition that would replace the garage area at the first floor level and would include bedroom accommodations above the new garage. The addition would maintain the existing footprint of the residence.

The second part of their renovation project involves the enlargement of a second floor bedroom which is located to the rear of the structure. Existing dormers would be extended approximately 8 ft. to enlarge that bedroom and, due various jogs in the layout of the house, its rear section complies with all applicable setback requirements. Therefore, this segment of the proposed expansion is permissible as a matter-of-right.

Upon review of this appeal, the board found that the removal of the existing garage and its reconstruction with a habitable second floor level would not materially change the nonconforming configuration of the subject premises or create any condition which would adversely affect the welfare of area residents. They found that this alteration as well as the extension of the rear roof area would result in uniform building lines to both sides of the dwelling and that, when completed, the design of the new structure would be in harmony with the general character of many of the homes in this section of the Edgemere neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Schaetzke	Yes
Mr. Collins	Yes

PUBLIC HEARING: Envision Homes, Inc., 19 Edgemere Blvd., Shrewsbury, MA.

PURPOSE: To hear the appeal of Envision Homes, Inc., 44 Moore Lane, Northborough, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the removal of and the reconstruction of a single family dwelling situated upon property located at 19 Edgemere Blvd. maintaining the existing nonconforming setbacks and lot coverage of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 57 as Plot 41.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Dale W. Schaetzke, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 21, 2007 and May 28, 2007.

Mr. Rosen: State your names for the record please.

Mr. Wolfe: My name is Dan Wolfe. I'm with David Ross Associates.

Mr. Kody: My name is Bob Kody. I'm with Envision Homes.

Mr. Wolfe: As you mentioned, we're applying for a special permit under Section IV B of the Zoning Bylaw which deals with the reconstruction of a pre-existing, nonconforming home. In this case, we're discussing 19 Edgemere Boulevard. The house itself was built in 1930, predating the zoning bylaw itself.

What I'm showing here, pictorially, is the footprint of the existing building. I just did that very quickly just to show you that, although the shape has changed, we're basically consuming this very similar footprint, this being the proposal footprint. The existing house is to be removed and this new structure to be placed on the lot.

What we've done in each of the offset conditions, which are outlined in the cover letter, is we've actually increased the offsets to front, left, right and rear setbacks. Although they are a small amount, we are increasing them. The numbers, exactly, are written in my cover letter to you. We're also actually decreasing the lot coverage of the property itself. It is on a fairly small lot right on the shore of Lake Quinsigamond. The lot itself is 3,980 sq. ft. in a Residence B-2 Zone. The existing house is approximately 1,200 sq. ft. in floor space. What is being proposed here is 1,780 sq. ft. Along with the package that I sent in, we have larger drawings or renderings shown here plus floor plans showing all the different features of the house as well as views of each side. I would be happy to answer any of your questions.

Mr. Gordon: Perception is everything. I see a much larger structure than the structure that's there. Tell me why it's not. It's only 500 ft. more, 1,200 to 1,780. So, it's about 580 sq. ft. more.

Mr. Wolfe: We're about 600 sq. ft. more living space inside the home.

Mr. Gordon: Is that on the second floor?

Mr. Wolfe: The second floor is where the additional square footage is placed, yes. That's evidenced by the fact that the footprint itself is fairly similar. We had taken a look through the neighborhood and noticed that a number of houses throughout the neighborhood are slowly, over time doing similar projects, whether they be additions, raising the roof or complete reconstructions. We've noticed a number of them in the neighborhood. We feel that this is an evolution that has been taking place and will probably continue to take place.

Mr. Gordon: Will you have a certified plot plan for this so that we can be assured of the dimensions that you're proposing will be, in fact, what is put on the land?

Mr. Wolfe: Your question was, "Could you have one?" Absolutely.

Mr. Gordon: No, would you?

Mr. Wolfe: Will there be one, absolutely.

Mr. Gordon: You're that close to the property line.

Mr. Wolfe: Right. We went out and did an actual instrument survey.

Mr. Gordon: It would require one for my decision.

Mr. Wolfe: We did a property line survey to accurately display to ourselves what the current offsets were and then overlaid this on to give you the results that I've detailed in the letter. I would fully expect to provide you with a certified plot plan, yes.

Mr. Gordon: You're not using the existing foundation? Is there an existing foundation?

Mr. Kody: At present, it's an old fieldstone foundation which is not something that would be usable for this construction. It would be replaced, correct.

Mr. Wolfe: Another thing is that this property is high on the hill above the lake and we propose no activities beyond the back of this flat yard here. As you can see, there are a number of terraces, stone terraces, which are shown fairly clearly in pictures we included also. There's no activity proposed whatsoever on any of those slopes or any of those walls.

Mr. Gordon: You still have to go before conservation, right?

Mr. Wolfe: Yes, we do. I believe our hearing with them is on June 19th.

Mr. Gordon: Okay.

Mr. Rosen: Do you have a buyer already for this?

Mr. Wolfe: The current owner, Robert Sardnola, is actually going to live in this house. There is not a sale of property taking place here.

Mr. Schaetzke: Could you describe for me the change in the footprint?

Mr. Wolfe: Can I bring this up to you?

Mr. Schaetzke: Yes, please.

Mr. Wolfe: As you can see on the plan, the crosshatched area shows the existing outline of the house. That crosshatched area you can see follows in this shape here. So, we are

extending out on this area here, but we are losing some building structure in the back here. The front comes in closer in that regard.

Mr. Schaetzke: So, there is quite a bit of the existing footprint that is close to this line that will be eliminated with the removal of the carport?

Mr. Wolfe: Right. And the new house will be pulled back to here. But, if you take a look here, the actual carport juts out much closer to the line. That's why I say that we went from 5.5 to 7.5 at the front where we are tucking that back from the street as well.

Mr. Schaetzke: This is the existing carport?

Mr. Wolfe: Yes and that's going to be put back, again, for clarity.

Mr. Schaetzke: Okay.

Mr. Gordon: So, both driveways are staying?

Mr. Wolfe: Correct.

Mr. Collins: Is this a one-story house right now?

Mr. Wolfe: Yes, it is one story as viewed from the street, with a walk-out on the back.

Mr. Schaetzke: Where the carport is now, you're moving that back making it a garage?

Mr. Wolfe: Correct. The garage door is along this face of the proposed house.

Mr. Schaetzke: That, as it looks now, kind of looks like a lean-to? There's a stone wall there?

Mr. Wolfe: Correct. That is all part of the carport and house along that side of the property.

Mr. Schaetzke: For me, it's hard to call it part of the house. That's my concern.

Mr. Wolfe: It is a structure that we dealt with offsets for. The carport itself is not calculated into the square footage we're talking about.

Mr. Schaetzke: And the garage is not calculated in the square footage? You are setting it back from where it is now?

Mr. Wolfe: Correct. We've got the existing offsets in a fairly light line and the new offsets in bold.

Mr. Schaetzke: Right.

Mr. George: Is the garage included in the square footage?

Mr. Wolfe: No.

Mr. Collins: What's the height of the roofline above grade? There are a couple of peaks that I see.

Mr. Wolfe: We made kind of as conscience effort, from the front of the house, to make a lower profile so that it would blend in more with the existing houses along the street and, while on the back side of the house where the lake is, to try to create more of a dramatic affect with the view of the water and glass. So, from the front of the house, our roofline is down at this level. To answer your question, at the front of the house the total of the roofline is about 30 ft. 6 in.

Mr. Collins: It's 30 ft. 6 in. to the ridge?

Mr. Wolfe: That would be the main line.

Mr. Collins: The main roof line?

Mr. Wolfe: Yes, because the roof slopes down forward here. I can show you on the front elevation. It appears to be level. It looks a little high in the front half as opposed to carrying this front up to a full two-story structure.

Mr. Collins: The back is a little higher because of the grade change?

Mr. Wolfe: In the back, because there's a half of a walkout, it's higher in the back, correct.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? Could you please state your name for the record?

Mr. Porcaro: Kenneth Porcaro, 18 Edgemere, across the street. I would just like to see the picture again of the finished product here.

Mr. Schaetzke: Put it up on the pedestal for him.

(Mr. Wolfe showed the elevations to Mr. Porcaro.)

Mr. Wolfe: These are the front and rear elevations of the house, this being the front of the house, the front entrance, the garage there we're speaking of, the back of the house with the retaining walls from an elevation point of view. These are just pictorial renderings that were generated from some different angles to help with visualization so that you can see what the home will look like

Mr. Porcaro: It looks great. I like it.

Mr. Rosen: Thanks for coming.

Mr. Porcaro: I like it. Good luck.

Mr. Rosen: It's a good design.

Mr. Wolfe: Thank you

Mr. Rosen: Does anyone else wish to be heard on this matter? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 5, 2007, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Envision Homes, Inc., 44 Moore Lane, Northborough, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the removal of and the reconstruction of a single family dwelling situated upon property located at 19 Edgemere Blvd. maintaining the existing nonconforming setbacks and lot coverage of said property.

Upon review of this appeal, the board noted that the subject property was developed well before the adoption of zoning in Shrewsbury and is nonconforming with respect to virtually all of the dimensional controls set forth in Table II of the Zoning Bylaw. The appellant proposes to remove the single story, single family dwelling situated upon this property and to then construct a new home thereon. The front elevation of the new structure would be one and one half stories and, due to the drop in grade to the shoreline of the lake, the rear elevation would be a full two stories. The footprint of the new home would modestly increase the lot's current nonconforming front, side and rear yard setbacks.

It was the board's opinion that the removal of the existing older structure situated upon this property with the new home as depicted in the plans accompanying the appellant's filing would significantly enhance the appearances, value and functionality of this property without materially altering its nonconforming features. They found that the new structure, when completed, would compliment the general character of many of the properties within this section of the Edgemere community and that the redevelopment of this parcel, as proposed, would not create any condition which would adversely impact the welfare of the other residents of this neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the requirement that, subsequent to the installation of the foundation for the new structure, a plot plan prepared by a registered land surveyor shall be submitted to the board certifying its location.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Schaetzke	Yes
Mr. Collins	Yes